## Remarks

This amendment is responsive to the Office communication mailed May 5, 2005. Page and paragraph references are to that communication unless otherwise indicated.

Claims 1 and 19 have been amended to incorporate the limitations of claim 4, as explained in more detail below. Claim 4 has been cancelled.

The limitations of cancelled claim 14 previously added to claims 1 and 19 have been moved to new claims 29 and 30, dependent on claims 1 and 19, respectively. The new claims have been written in such a manner as to avoid the Examiner's objection to the form of the language as it appeared in claims 1 and 19.

Claim 12 has been amended to depend on claim 1 rather than claim 9, since the recitations in claim 12 do not rely on any of the antecedents provided by claim 9.

As noted above, claim 1 has been amended to include the limitation formerly contained in claim 4, which has been cancelled. More particularly, claim 1 as amended recites the further step of redistributing the transformed data stream among an extended subset of the channels if, during transmission of the transformed data stream, one or more additional channels become available. This is shown in the timeline of Fig. 2 beginning at time $t_4$, when the data stream formerly transmitted over channels CH5-CH8 is redistributed among an extended subset of channels CH3-CH8 upon the availability of additional channels CH3 and CH4 (page 10, lines 19-22). Claim 19 has been amended to include a similar recitation about the operation of the bus access controller.

The Examiner has rejected claim 4, which formerly contained this limitation, under 35 U.S.C. § 103(a) as being unpatentable over O'Neal et al. 4,156,796 ("O'Neal") in view of Bardotti et al. 3,925,766 ("Bardotti") and in further view of Haskin 5,426,645 (page 9, ¶ 5). For the limitation in question, the Examiner points to the passage at column 5, lines 42-64 of Haskin, which allegedly "teaches the reallocation of data if a channel becomes available" (page 11). What this passage actually says, however, is the following (emphasis added):

Transmission channel allocation optimization is accomplished by the software system via a series of rules which determine file segmentation. The segmentation is characteristically based on the transmission characteristics of the data file, namely, the number of files to be transmitted, their respective sizes and contents, their compression attributes, and the number of available communication equipment (modems) at both the transmission and destination locations. Optimization software then allocates the optimal number and type of files to each data transmission channel for subsequent transmission according to these data filed characteristics. If one or more of the destination ports is busy or otherwise inoperable, the system redistributes targeted data files automatically to the remaining operable channels (ports) for transmission on a first-in-first out (FIFO) basis. Further, the present invention automatically monitors the transmission channel itself to determine that the channel is operating properly and is not inordinately noisy. If the transmission channel malfunctions, the invention senses this failure, and the software reallocates the data file or segments to be sent to the transmission channels that are functioning properly.

As the emphasized language makes clear, this passage only suggests redistributing traffic to available channels as existing channels become unavailable, i.e., to a reduced subset of channels as claimed in claim 3. It does not suggest redistributing such traffic to channels that become newly available, i.e., to an extended subset of channels as formerly claimed in claim 4 and now claimed in claims 1 and 19 as amended.
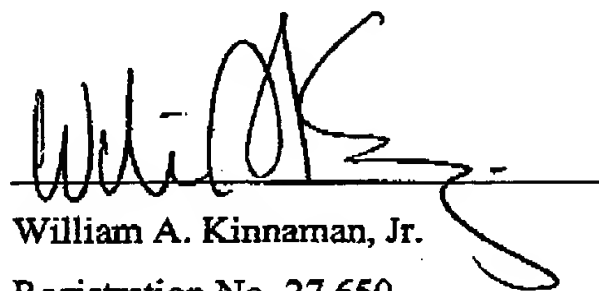
Accordingly, claims 1 and 19 as amended and the claims dependent thereon are believed to distinguish patentably over the art cited by the Examiner.

## Conclusion

Reconsideration of the application as amended is respectfully requested. It is hoped that upon the Examiner will hold all claims allowable and pass the case to issue at an early date. Such action is earnestly solicited.

Respectfully submitted,

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